

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 28, 2015**

BOARD MEMBERS PRESENT:

Patty Acomb, Joe Collins, Jill Crafton, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Kathryn Kelly, Tom Landwehr, DNR; Tom Loveall, Terry McDill, MPCA; Brian Napstad, Neil Peterson, Tom Schulz, Rob Sip, MDA; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Paige Winebarger

BOARD MEMBERS ABSENT:

Sandy Hooker
Faye Sleeper, MES

STAFF PRESENT:

Mary Jo Anderson, Don Buckhout, Travis Germundson, Jim Haertel, Al Kean, John Jaschke, Mary Peterson, Doug Thomas

OTHERS PRESENT:

Dave Schad, Sarah Strommen and Jason Garms, DNR
Jennifer Berquam, AMC
LeAnn Buck, MASWCD
Anna Henderson and Erik Dahl, EQB
Colbey Sullivan, House of Representatives

Chair Napstad called the meeting to order at 9:03 a.m.

PLEDGE OF ALLEGIANCE

**** 15-72 ADOPTION OF AGENDA** – Moved by Neil Peterson, seconded by Doug Erickson, to adopt the agenda as presented. ***Motion passed on a voice vote.***

**** 15-73 MINUTES OF SEPTEMBER 23, 2015 BOARD MEETING** – Moved by Tom Schulz, seconded by Jill Crafton, to approve the minutes of September 23, 2015 as circulated. ***Motion passed on a voice vote.***

CONFLICT OF INTEREST DECLARATION

Chair Napstad explained that the Conflict of Interest Disclosure process is being used today on agenda items:

- FY2016 Clean Water Fund Non-Competitive Grants to SWCDs for Local Capacity Services and TSAs for Enhanced Shared Technical Services
- Stormwater Reuse for Irrigation Assessment Grant
- Runoff-Based Drainage Assessments Application

Chair Napstad read the statement:

“A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business.”

REPORTS

Chair’s Report - Brian Napstad reported that the Mississippi Headwaters Board was successful in receiving an appropriation of LSOHC funds, BWSR is partnering in the easement acquisition process.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning. John Jaschke presented information to the AAC regarding the 2016 legislative process and staffing update.

Audit & Oversight Committee – Brian Napstad reported that the Audit & Oversight Committee met on September 23, 2015, and reviewed two staff reports. Jenny Gieseke, PRAP coordinator, presented the grants monitoring report, a report card of how well BWSR is auditing public funds. Tim Dykstal, Fiscal Compliance Coordinator, presented the risk assessment report, an activity that occurs within the agency.

Executive Director’s Report – John Jaschke reported that the BWSR Academy is going on now, October 27-29, at Breezy Point, over 400 in attendance, rewarding to see the number of LGU staff in attendance. John acknowledged the good work of BWSR’s training team and staff involved in coordinating this event.

John attended the Water Resources Conference. John presented BWSR’s two capital investment proposals to MMB: 1) CREP proposal; 2) local government road mitigation \$10.3M request.

John reviewed information in board members’ packets. Board members interested in attending upcoming conventions need to submit registration information to Mary Jo Anderson by November 2.

Dispute Resolution Committee (DRC) – Travis Germundson provided a brief overview of the appeals filed with BWSR. There are presently 12 appeals pending. Travis reported that he received two new restoration appeals, one in Carlton County, and one in Chisago County.

Travis reported that the DRC will convene at 1:30 PM today for a hearing on WCA appeal #14-9. Travis made note that the DRC item today may come before the Board in December.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met on September 22; recommendations are on the agenda later today.

Water Management & Strategic Planning Committee – Jack Ditmore thanked Brian Napstad for chairing the Water Management & Strategic Planning Committee meeting in September in his absence, the Committee will meet on December 15 at 5:30 PM.

Buffers, Soils & Drainage Committee – Chair Napstad reported that the new Buffers, Soils & Drainage Committee met last night; recommendations are on the agenda later today. Future meetings were discussed, and future policy development. John stated that draft non-implementation policy outline will be sent to the Water Roundtable for comment and before the Board in December for consideration.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on October 8; he provided a brief update of the meeting. Al Kean reported that November 23 is the annual MN-IA Drainage Research Forum at Cabela's in Owatonna; and the MAWD Drainage Workshop is on December 3 at Arrowwood in Alexandria.

Gene Tiedemann left the meeting at 10:00 AM.

Chair Napstad stated that board members have submitted their completed Conflict of Interest Disclosure forms; the documents will be filed for the grant decision items. All board members are eligible to vote on the three grant items.

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

FY2016 Clean Water Fund Non-Competitive Grants to SWCDs for Local Capacity Services and TSAs for Enhanced Shared Technical Services – Doug Thomas reported that CWF appropriations in Laws of 2015 included new state funding to support SWCD services and enhanced delivery of engineering and technical services. An ad-hoc work group comprised of BWSR and MASWCD representatives developed two options to request these non-competitive funds and report outcomes by recipient SWCDs and TSAs. LeAnn Buck, MASWCD Executive Director, presented the history and origin of SWCDs. LeAnn stated that MASWCD appreciates BWSR's assistance.

Doug reported that the Grants Program and Policy Committee met on September 22, 2015 and deliberated on options. Doug provided an overview of the resolution as recommended by the Committee: 1) to approve the non-competitive grant allocations that have been developed to support SWCD services and TSA enhanced technical assistance, 2) no match will be required for the SWCD services payments, 3) no match will be required for the first \$125,000 of each TSA grant, 4) a minimum non-state match equal to at least 25% of which 10% must be a local cash match is required for the second \$116,000 of each TSA grant, 5) grants will be awarded as lump sum up-front payments, 6) the combined state and federal share of cost share provided to landowners for projects and practices cannot exceed 75%; and 7) use of eLINK, as prescribed by the Board, will be required to request and report on funds allocated and received.

Authorizes staff to finalize, distribute and promote a SWCD and TSA request for funding to implement the FY 2016 payments to soil and water conservation districts for the purposes of Minnesota Statutes sections 103C.321 and 103C.331 and enhancement grants for technical assistance with the provisions of appropriations enacted in 2015, Minn. Stat. 103B.3369; and authorizes staff to execute grant agreements with individual SWCDs after receipt and approval of a request for funding not to exceed grant allocation amounts identified in the resolution.

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15-74 Moved by Steve Sunderland, seconded by Jill Crafton, to approve the Committee recommendation as presented. Discussion followed. ***Motion passed on a voice vote.*** Chair Napstad thanked LeAnn for her informative presentation.

Stormwater Reuse for Irrigation Assessment Grant – Don Buckhout reported that the seasonal overuse of groundwater resources has been identified by the DNR and others as a potential and actual threat to regional groundwater and related surface water resources. The grant will be used by the Rice Creek Watershed District to develop a feasibility assessment methodology for replacing groundwater with stormwater as the source water for irrigation of turf grasses in public parks, golf courses and semi-public open space. The Grants Program & Policy Committee recommends approval of the non-competitive Clean Water Fund \$100,000 grant. Moved by Paige Winebarger, seconded by Joe Collins, to authorize staff to execute a grant agreement with the Rice Creek WD not to exceed the grant allocation amount identified in the resolution. Discussion followed. Chris Elvrud recommends a presentation by the work group on a water use framework for a future meeting. ***Motion passed on a voice vote.***

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15-75

Chair called for a break at 10:49 AM. The meeting reconvened at 11:07 AM.

Buffers, Soils and Drainage Committee

Runoff-Based Drainage Assessments Application – Al Kean reported that a more streamlined, runoff-based option for determining Chapter 103E drainage system assessments to benefited lands has been identified as a high priority need by the stakeholder Drainage Work Group. The current criteria and associated methodology in Chapter 103E for viewers to determine drainage system benefits, damages and assessments typically requires substantial time and cost. There is also a shortage of lead viewers. Only about 20% of Chapter 103E drainage ditches have been determined or redetermined since 1977, when the appointment of viewers first triggered a requirement for ditch buffer strips. Outdated benefited areas and assessments for Chapter 103E drainage systems can result in inequitable distribution of drainage system costs, including normal maintenance, establishment of incremental buffer strips and side inlet controls, or installing other erosion control measures. Current technology enables the development of a GIS application for a runoff-based drainage system assessments option. Al reported that the Buffers, Soils and Drainage Committee met last night and discussed this topic at great length. Chair Napstad stated that he chairs the Buffers, Soils and Drainage Committee; the Committee recommends approval of the resolution.

- ** Moved by Brian Napstad, seconded by Tom Loveall, to approve the Buffers, Soils and Drainage Committee recommendation to adopt the resolution as presented. Discussion followed. Jack Ditmore asked if more background information was available on the use of the sole source grant approach. Al agreed that staff could modify the resolution to include the International Water Institute and RRWMB rationale for doing this work for the benefit of all drainage authorities. Steve Sunderland noted that use of returned grant funds ordinarily go to the Grants Program & Policy Committee. John stated that the draft resolution amendments are ready but need to be reviewed.

** Moved by Brian Napstad, seconded by Jack Ditmore, to table the resolution until staff make changes to the proposed resolution; with the amendment presented later today. **Motion passed on a voice vote.**

15-76

NEW BUSINESS

** **2016 Proposed BWSR Board Meeting Schedule** – John Jaschke presented the proposed Board meeting dates for 2016. Moved by Kathryn Kelly, seconded by Joe Collins, to approve the 2016 dates presented. Jack Ditmore has a conflict with the August tour/meeting dates. Rob Sip has a conflict with the March meeting date. Chair Napstad stated that conflicts to meeting dates can be addressed closer to the meeting date. **Motion passed on a voice vote.**

15-77

“Beyond the Status Quo: 2015 EQB Water Policy Report” – Anna Henderson and Erik Dahl, EQB; presented EQB’s five-year water policy report. The report is the result of a collaboration across state agencies to identify goals and propose solutions to preserve and promote water quality and sustainability. Chair Napstad thanked Anna and Erik for their presentation and their efforts on the collaborative endeavor.

Buffer Protection Mapping Process Initial Steps - Sarah Strommen, DNR Assistant Commissioner; and Jason Garms, DNR Agricultural Program Liaison; distributed DNR’s Buffer Mapping Project Timeline and presented DNR’s process for creating Buffer Protection Maps for landowners and local units responsible for implementing the new requirements. Sarah reported that BWSR is the first to see the preview of the mapping process. DNR’s website has been updated to include the mapping process for public waters inventory, and the intersections of shoreland ordinances. Jason presented the Phased approach and the criteria for digital mapping public waters buffer requirements. Discussion followed. Chair Napstad thanked Sarah and Jason for their presentation. John stated that a mechanism will be built to track the implementation of the new buffer requirements.

** **Continuation of the Runoff-Based Drainage Assessments Grant** – Moved by Brian Napstad, seconded by Kathryn Kelly, to bring the resolution to the table. **Motion passed on a voice vote.**

15-78

** Al Kean distributed the resolution with changes. Jack Ditmore agreed to the changes. Moved by Jack Ditmore, seconded by Tom Loveall, to amend the resolution to include the changes presented:
WHEREAS, the Red River Watershed Management Board’s long-standing working relationships with the International Water Institute and drainage authorities will be valuable to support the work required to develop a runoff-based drainage assessments application; and
WHEREAS, the Red River Watershed Management Board has also partnered with the International Water Institute and other technical assistance providers to develop the GIS-based Water Quality Decision Support Application and associated tools that can serve as a platform for development of a runoff-based drainage assessments application.

15-79 Amendments to the resolution - **Motion passed on a voice vote.** Discussion followed.

Original Resolution – the Board hereby:

- 1) Authorizes staff to enter into a grant agreement with the Red River Watershed Management Board for up to \$95,000 to: a) develop a runoff-based drainage assessments application with associated user guidance and training materials, using as a foundation GIS capabilities developed for the Water Quality Decision Support Application; b) investigate the enhancement of this application to also determine monetary benefits of drainage systems; and c) to provide for legal analysis about creating option(s) in Chapter 103E drainage law for use of the GIS application.

15-80

- 2) Authorizes staff to develop, supplement or amend the grant agreement and work plan to address additional priority components to: a) enhance the end-user product, b) provide training to users and integration into the updated MN Public Drainage Manual, or c) accomplish policy changes or align with recommendations by the Drainage Work Group. ***Motion passed on a voice vote.***

AGENCY REPORTS

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that under the Minnesota Environmental Review Program, DNR is designated as the responsible governing unit (RGU) involved in the Environmental Assessment Worksheet (EAW), a document that sets the basic facts necessary to determine impacts for a proposed project; and Environmental Impact Statements (EIS), an analytical scoping process used to identify significant issues defining impacts and alternatives. DNR is involved in the environmental review process for Polymet, Fargo/Moorhead Diversion, and RD Offut. Also, Enbridge Pipeline anticipates new assessment requirements.

Minnesota Pollution Control Agency (MPCA) – Terry McDill reported that MPCA received a funding reduction for WRAPs; a new schedule is in the process of being developed.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck stated that MASWCD is working on the buffers initiative as it relates to legislative intent and educational components.

UPCOMING MEETINGS

- BWSR Board Meeting, December 16, 2015, St. Paul
- MAWD Annual Meeting, December 3-5, Alexandria.
- MASWCD Annual Meeting, December 6-8, Bloomington.
- AMC Annual Meeting, December 7-8, St. Cloud.

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15-81

Moved by Neil Peterson, seconded by Patty Acomb, to adjourn the meeting at 12:57 PM. ***Motion passed on a voice vote.***

Respectfully submitted,



Brian Napstad
Chair